



**Office of Vermont Health Access**  
312 Hurricane Lane, Suite 201  
Williston, Vermont 05495  
802-879-5900

*Agency of Human Services*

October 20, 2006

Dear Vermont Medicaid Pharmacy Provider:

As you know, the Office of Vermont Health Access (the OVHA) is studying the impact of the generic drug provisions of the Deficit Reduction Act of 2005 on Vermont pharmacists and program participants in Medicaid. This study was authorized by Act 215 of the Vermont General Assembly of the 2005-2006 Legislative Session (H.881). Understanding pharmacies' true cost of dispensing prescriptions is an important factor in this study. To that end we have asked you to take part in a confidential survey that is being conducted by the University Of Connecticut School Of Pharmacy on behalf of the OVHA.

Some of you have asked for specific assurances that the information provided regarding your businesses will be protected from disclosure. I can assure you that, consistent with the Act 215 requirements, the information that is gathered will only be made available in the aggregate in OVHA's report to the Vermont Legislature's Health Access Oversight Committee and Joint Fiscal Committee. Pharmacy specific information will not be made available to anyone without the express authorization of the specific pharmacy.

Some of you have asked how the OVHA will handle a public records request for this information. This detailed information is protected from disclosure under Vermont statutes regarding access to public records and documents. While Title 1, Chapter 5, 1 V.S.A. § 317 (b) defines "all papers, documents, machine readable materials or any other written or recorded matters, regardless of their physical form or characteristics, that are produced or acquired in the course of agency business" as a public record, § 317 (c) exempts certain documents from disclosure. We strongly believe that information you provide as part of the survey is exempt under § 317 (c) (9) as it constitutes "trade secrets, including, but not limited to, any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it." Should the OVHA receive a public records request, in addition to declaring it as exempt, the OVHA will also notify you so that you can take any appropriate legal steps.

I would suggest that if you are further concerned about the disclosure of this information that you provide us with a notice that states that you provided it with the understanding that the information constitutes trade secrets that are protected from disclosure as a public record under Title 1, Chapter 5, 1 V.S.A. § 317 (c) (9). In this way you expressly indicate the status of your information as "trade secrets".

I appreciate the commitment that you have shown in working with us on this study but I can well understand your business concerns. I hope this letter addresses them so that we can assure that your individual interests are represented in our study.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann E. Rugg", with a stylized flourish at the end.

Ann E. Rugg  
Deputy Director